



VIRGINIA
& AMBINDER LLP

Attorneys at Law

40 Broad Street, 7th Floor
New York, New York 10004
Telephone: (212) 943-9080

Maura Moosnick, Esq.
Associate
mmoosnick@vandallp.com

March 12, 2024

VIA ELECTRONIC CASE FILING Application Granted.

Hon. P. Kevin Castel, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, New York 10007

So Ordered:


Hon. P. Kevin Castel, U.S.D.J.

3-12-24

Re: ***Trs. of the New York City District Council of Carpenters Pension Fund,
et al. v. Alite Flooring, LLC, et al.; Civil Action No.: 22 CV 0522 (PKC)***

Dear Judge Castel:

This firm represents the Plaintiffs (or “Funds”) in the above-referenced action. We write with the consent of counsel for the Defendants to respectfully request an extension of time for Plaintiffs’ Rebuttal Testimony, along with the parties’ proposed Joint Pre-Trial Order. This is the seventh request for an extension of the briefing schedule, of which it is the fifth sought by Plaintiffs. The first request, due to a delay by the auditors, was granted. The second and third requests, due to personal health issues on the part of Plaintiffs’ counsel, were also granted, as were the fourth and fifth requests submitted on the basis of Defendants’ counsel’s family commitments. The sixth request was on the basis of the practicality and timing constraints of obtaining and memorializing Plaintiffs’ rebuttal testimony, as is this request. There is no upcoming conference or hearing scheduled in this matter.

Plaintiffs timely submitted their direct testimony and trial brief, followed by Defendants’ timely submission of their direct testimony and trial brief on February 26, 2024. The testimony submitted directly attacks much of the testimony submitted by Plaintiffs in their trial submissions and poses numerous potential factual disputes and questions to be addressed in Plaintiffs’ rebuttal testimony. This requires the undersigned to coordinate and obtain rebuttal testimony from up to four witnesses (each of whom have their own schedules and conflicts). After accommodation of various scheduling conflicts, undersigned counsel succeeded in scheduling time with the applicable witnesses this week. Based upon the foregoing, Plaintiffs respectfully request, with the consent of counsel for Defendant, that the Court allow a brief extension through March 22, 2024 for Plaintiffs to submit their rebuttal testimony and for the parties to finalize and submit their Joint Pre-Trial Order.)

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/Maura Moosnick

Maura Moosnick, Esq.

cc: Richard Ziskin, Esq. (via ECF)